



Local Rule 2091-1 Attorneys - Scope of Representation (2013)

WITHDRAWAL AND SUBSTITUTION

(a) Scope of Representation. A debtor's attorney must represent the debtor in all aspects of the case, including the meeting of creditors, adversary proceedings, motions filed against the debtor, and post-confirmation matters. This requirement cannot be modified by agreement. The court may deny fees or otherwise discipline an attorney for violation of this rule.

(b) Withdrawal and Substitution. Unless otherwise ordered by the court, an attorney must file a written application seeking an order to withdraw or be substituted as attorney in any case or proceeding. The application must set forth the reasons therefor, together with the name, address, and telephone number of the client, as follows:

(1) With Client's Consent. If the attorney has obtained the written consent of the client, the consent must clearly advise the client of the requirements of subsection (e) of this Rule and must be filed with the application and a separate proposed written order. The papers may be presented to the court ex parte. The withdrawing attorney must give prompt notice of the entry of the order to the client and to all other parties or their attorneys. An attorney representing a governmental unit is not required to obtain a client's signature to withdraw under this provision.

(2) Without Client's Consent. If the attorney has not obtained the written consent of the client, the application must be served upon the client and all other parties or their attorneys. The application must be accompanied by a statement of the moving attorney certifying that:

(A) the client has been notified in writing of the status of the case or proceeding, including the dates and times of any scheduled court proceedings, pending compliance with any existing court orders, the client's responsibilities under subsection (e) of this Rule, and the possibility of sanctions; or

(B) the client cannot be located or for whatever other reason cannot be notified of the pendency of the application and the status of the case or proceeding.

(c) Withdrawal and Substitution After Hearing Before the Court or Trial Date is Scheduled.

An attorney may not withdraw after a hearing before the court has been scheduled or trial date has been set in a case or proceeding, unless:

(1) the application includes an endorsement that is signed

(A) by a substituting attorney indicating that such attorney has been advised of the hearing or trial date and will be prepared to proceed with the hearing or trial; or

(B) by the client indicating that the client is advised of the time and date and will be prepared for the hearing or trial; or

(C) by the attorney certifying that he or she has advised the client in writing of the hearing or trial date; and

(2) the court is otherwise satisfied, for good cause shown, that the attorney should be permitted to withdraw.



(d) Notification of Substituted Attorney. An application to substitute attorney must state the address, telephone number, and, where applicable, Utah State Bar identification number of the substituting attorney.

(e) Responsibilities of Party Upon Removal. Whenever an attorney withdraws, dies, is removed or suspended, or for any other reason ceases to act as attorney of record, within 21 days of the date such attorney ceases to act as attorney of record, an attorney representing the client must file a notice of appearance or the client must file a notice of his or her decision to appear without an attorney. If the client is proceeding without an attorney, the notice must provide his or her address, telephone number, and e-mail address, if one is available.

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